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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,937	12/26/2001	Robert Ernest Troxler	1450/2	3607
25297	7590	12/21/2004		
JENKINS & WILSON, PA 3100 TOWER BLVD SUITE 1400 DURHAM, NC 27707				
			EXAMINER TRIEU, VAN THANH	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,937

Applicant(s)

TROXLER, ROBERT ERNEST

Examiner

Van T Trieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7/13/04.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 12-14, 16-23, 25-29, 31, 33, 35 and 37-48 are rejected under 35 U.S.C. 102(b) as being anticipated by **Tsuyuki** [US 5,351,059].

Regarding claim 12, the claimed receiver (the receiver 6 to receive current or actual coordinates of a moving vehicle from a GPS 4, see Figs. 1-3, col. 3, lines 66-68, col. 4, lines 1-8 and col. 10, lines 41-45); and the memory module (the data storage 14 to store position passages, targets and intersections, see Fig. 1, col. 5, lines 29-36, col. 10, lines 63-68 and col. 11, lines 1-3); and the processor module (the procession section 23 includes processing means 16 to compare or discriminate the passage as the vehicle is moving from one point/initial position to another target/point, see Figs. 1 and 5-7, col. 11, lines 4-24, col. 14, lines 18-68, col. 15, lines 46-57, col. 16, lines 36-68 and col. 17, lines 1-18); and the indicator (the display section 13 to indicate traveling line and/or passages, see Figs. 1-7 and 9-11, col. 4, lines 33-66, col. 11, lines 11-51, col. 12, lines 2-61, col. 14, lines 18-36, col. 16, lines 41-68 and col. 17, lines 1-18).

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Regarding claim 13, all the claimed subject matters are cited in respect to claim 12 above, and including the GPS (the orbital satellite 4, see Fig. 1).

Regarding claim 14, all the claimed subject matters are cited in respect to claim 12 above, and including the receiver is a RF (the RF receivers 3 and 6, see Fig. 1).

Regarding claim 16, all the claimed subject matters are cited in respect to claim 12 above, and including the audible alarm (the sound to inform a user of traveling passage from the start point to the end point, see Fig. 1, col. 13, lines 5-25).

Regarding claim 17, all the claimed subject matters are cited in respect to claim 12 above, and including the transmitter (the transmitter 1, see Fig. 1, col. 13, lines 5-25).

Regarding claim 18, all the claimed subject matters are cited in respect to claim 12 above, see Fig. 1.

Regarding claim 19, all the claimed subject matters are cited in respect to claim 12 above, and including the housing (see Fig. 1, col. 10, lines 48-64).

Regarding claim 20, all the claimed subject matters are cited in respect to claims 12 and 17 above.

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Regarding claim 21, all the claimed subject matters are cited in respect to claim 20 above, and including the indicator (the LCD display 78 at the clubhouse, see Fig. 5).

Regarding claim 22, all the method claimed limitations are met by the apparatus claim 12 above.

Regarding claim 23, all the claimed subject matters are cited in respect to claims 13 and 22 above.

Regarding claim 25, all the claimed subject matters are cited in respect to claims 16 and 22 above.

Regarding claim 26, all the claimed subject matters are cited in respect to claims 17 and 22 above.

Regarding claim 27, all the claimed subject matters are cited in respect to claims 18 and 22 above.

Regarding claim 28, all the claimed subject matters are cited in respect to claim 12 above, and including the calculated curve connecting at least two predefined position coordinates (the shape curve passage, see Figs. 7 and 11, col. 12, lines 28-35 and col. 17, lines 24-28).

Regarding claim 29, all the claimed subject matters are cited in respect to claims 12 and 22 above.

Regarding claim 31, all the claimed subject matters are cited in respect to claim 12 above, and including the speed of the device (the speed of vehicle, see col. 4, lines 45-49 and col. 11, lines 22-30).

Regarding claim 33, all the claimed subject matters are cited in respect to claim 12 above, the speed of the device (displaying of vehicle speed, see col. 2, lines 5-30).

Regarding claim 35, all the claimed subject matters are cited in respect to claims 20 and 31 above.

Regarding claim 37, all the claimed subject matters are cited in respect to claims 22 and 28 above.

Regarding claim 38, all the claimed subject matters are cited in respect to claims 12, 16 and 17 above, see Fig. 5.

Regarding claim 39, all the claimed subject matters are cited in respect to claims 12, 17 and 21 above.

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Regarding claim 40, all the claimed subject matters are cited in respect to claims 16 and 39 above.

Regarding claim 41, all the method claimed limitations are met by the apparatus claim 12 above.

Regarding claim 42, all the claimed subject matters are cited in respect to claim 12 above.

Regarding claim 43, all the claimed subject matters are cited in respect to claim 12 above, and including query (see col. 7, lines 60-68 and col. 8, lines 1-3).

Regarding claim 44, all the claimed subject matters are cited in respect to claim 20 above.

Regarding claim 45, all the claimed subject matters are cited in respect to claim 12 above.

Regarding claim 46, all the claimed subject matters are cited in respect to claim 12 above, and including the three dimensional coordinates (the plane direction X, Y and the azimuth direction, see Fig. 1).

Regarding claim 47, all the claimed subject matters are cited in respect to claim 122 above, such as the traveling lines or passages through a plurality of points.

Regarding claim 48, all the claimed subject matters are cited in respect to claims 22 and 46 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsuyuki** [US 5,351,059] in view of **Anderson et al** [US 6,232,880]

Regarding claim 15, **Tsuyuki** fails to disclose the high voltage circuit operable to deliver an electrical shock to a pet when the actual position coordinates are the predetermined distance from the boundary between the first and the second space. However, **Tsuyuki** teaches that the procession section 23 includes processing means 16 to compare or discriminate the passage as the vehicle is moving from one point/initial position to another target/point, see Figs. 1 and 5-7, col. 11, lines 4-24, col. 14, lines 18-68, col. 15, lines 46-57, col. 16, lines 36-68 and col. 17, lines 1-18. **Anderson et al** suggests that the device 1 worn by an animal 2 including a microprocessor based computer control

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unit receives the animal position signal from the GPS receiver, interpreting the data to determine the direction of movement of the animal, comparing its position with the position of the predetermined boundary lines 3-5 to determine the closest boundary line and the distance of the animal therefrom, and then selectively controlling activation of the electric shock/stimuli generators 13 whenever the monitoring animal is positioned between the first and second boundary line 5 with regions 3 and 4, see Figs. 1-3 and 5, col. 3, lines 49-67, col. 4, lines 57-65 and col. 12, lines 43-67. Therefore, it would have been obvious to one skill in the art at the time the invention was made to utilize the microprocessor and electric shock generator of **Anderson et al** to the processor section of **Tsuyuki** for extending applications of using the position determination to track/monitor animal, pet and/or any movement objects/subjects without changing the scope of position tracking.

Regarding claim 24, all the claimed subject matters are discussed between **Tsuyuki** and **Anderson et al** in respect to claims 15 and 22 above.

3. Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tsuyuki** [US 5,351,059] in view of **Schlager et al** [US 5,963,130]

Regarding claim 30, **Tsuyuki** fails to disclose the transmitter operable to transmit a signal including medical parameters. However, **Tsuyuki** teaches that the system includes an azimuth sensor 7 and a distance sensor 8 and a RF transmitter 1 disposed in a passage transmits the signal 2 including data about the shape and the position of

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the passage, see Fig. 1, col. 3, lines 5-31. **Schlager et al** suggests that a self locating remote monitoring system comprising a base station 754 and one or more remote monitor units 752, which is adapted to monitor animals, children, patients, paroles and mobile objects. The remote monitor unit 752 includes a transmitter 560 for transmitting of patient physiological parameters detected by sensor 558 to the base station 754, see Figs. 18 and 21, abstract, col. 3, lines 9-53 and col. 26, lines 33-59. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the transmitter and sensors of **Schlager et al** for the RF transmitter and sensor of **Tsuyuki** for using the position monitoring device to monitor a child and/or patient physical conditions for immediately response according thereto, to save life.

Regarding claim 32, **Tsuyuki** fails to disclose the receiver is operable to receive a polling signal and including a transmitter operable to transmit a positioning signal including the actual position coordinates in response to receiving the polling signal. However, **Tsuyuki** teaches that orbital satellite 4 receives the vehicle position signal 2 and calculates a new position by the processor section 13 and displaying of the vehicle traveling line or passage, see Figs. 1 and 9-11, 11, lines 4-51, col. 12, lines 2-61, col. 14, lines 18-68, col. 15, lines 46-57, col. 16, lines 36-68 and col. 17, lines 1-18.

Schlager et al suggests that a self locating remote monitoring system comprising a base station 84 and one or more remote monitor units 82, which is adapted to monitor animals, children, patients, paroles and mobile objects. The base station 84 periodically polls each remote units 82 by transmitting a command 180 requiring the remote unit 82

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to respond with message format 150, see Figs. 3 and 21, abstract, co. 1, lines 52-61, col. 8, lines 64-65 and col. 9, lines 1-57. Therefore, it would have been obvious to one skill in the art at the time the invention was made to substitute the polling transmitter and receiver of **Schlager et al** for the transmitter and receiver of **Tsuyuki** in order to control of data transmission more effective and to prevent of electromagnetic interference and losing data.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dempsey discloses an emergency response system for detecting an emergency medical condition, the transmitter is energized to send the current position of a patient wearing the system and patient medical conditions to an EMS site. [GB 2,285,135 A]

Response to Arguments

5. Applicant's arguments with respect to claims 12-42 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. **Jeffery Hofsass** can be reached on (571) 272-2981.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

Van Trieu
Primary Examiner
Date: 12/15/04